

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSHUA D. BUTLER,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting,
Commissioner of Social
Security,¹

Defendant.

No. CV-12-5067-CI

ORDER GRANTING STIPULATED
MOTION TO REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C.
§ 405(g)

BEFORE THE COURT is the parties' stipulated Motion to Remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 23. Attorney David L. Lybbert represents Plaintiff; Special Assistant United States Attorney Mathew W. Pile represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6. After considering the file and proposed order,

IT IS ORDERED:

1. The parties Motion to Remand, **ECF No. 23**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of

¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is substituted for Michael J. Astrue as the defendant in this suit. No further action need be taken to continue this suit. 42 U.S.C. § 405(g).

1 Social Security for further administrative proceedings pursuant to
2 sentence four of 42 U.S.C. § 405(g). On remand, the administrative
3 law judge (ALJ) will provide Plaintiff an opportunity for a new
4 hearing. The ALJ shall: re-assess the medical source opinion of
5 Marian F. Martin, Ph.D., and, if rejecting the opinion, provide
6 legally sufficient reasons for doing so in accordance 20 C.F.R. §§
7 404.1527(e), 416.927(e); re-assess other source opinions of Kathryn
8 Fox, M.S.W., and if rejecting the opinion, provide legally
9 sufficient reasons for doing so in accordance with SSR 06-03p; re-
10 assess Plaintiff's residual functional capacity (RFC) and obtain
11 supplemental vocational expert testimony to assist in determining
12 whether occupations exist for Plaintiff in significant numbers in
13 the national economy given his age, education, work experience and
14 RFC. In addition, the ALJ shall pose hypothetical questions to the
15 vocational expert that include all of Plaintiff's assessed
16 limitations.

17 2. Judgment shall be entered for the **PLAINTIFF**.

18 3. Plaintiff's Motion for Summary Judgment, **ECF No. 18**, is
19 stricken as moot.

20 4. An application for attorney fees may be filed by separate
21 motion.

22 The District Court Executive is directed to enter this Order,
23 forward copies to counsel, and thereafter shall close this file.

24 DATED April 9, 2013.

25
26 S/ CYNTHIA IMBROGNO
27 UNITED STATES MAGISTRATE JUDGE
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